

EXTREME RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS



**Bloomberg American
Health Initiative**

Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.



An Extreme Risk Protection Order (ERPO) is a civil order issued by a court when someone is at risk of violence to self (including suicide) or others. A person with an ERPO cannot purchase or possess guns while the order is in place.

WHO?

Depending on state law, ERPO petitions may be filed by:

- Family, including someone related by blood, marriage, or adoption
- Dating partners
- People who have a child in common
- People who are living together
- Legal guardian
- Law enforcement
- Health care professional
- School administrator

WHY?

State laws often do not provide a clear legal authority to restrict access to guns before a tragedy occurs, even when it is clear that an individual is at risk of suicide, or harm to self or others. ERPO laws provide a legal means, using a civil process, to prevent tragedies.

HOW?

To obtain an ERPO, the following steps are generally taken.

Please note that state laws and processes vary. This summary provides a general guide.

1. Complete an ERPO petition.

- a. The petition will ask for information about the person who is at risk of harming themselves or others (the respondent). Detailed information – including name, address, height, weight, hair color, eye color – will be required.
- b. The petition will ask why you believe the person is at risk of harming themselves or others.

2. File the petition and return to court as instructed.

- a. Present the petition to the court at the instructed time, explaining to a judge or commissioner why you want the court to issue a temporary ERPO.
- b. If the court issues a temporary order, it will be in effect for up to 21 days.
- c. If the respondent to the order received notice, or is present and had an opportunity to be heard, a judge may issue a final order.

WHAT'S NEXT?

3. If a temporary ERPO is issued, guns are removed.

- Law enforcement will serve the temporary order to the respondent and remove the respondent's firearms, updating the background check data system to prevent firearm purchases.

4. While the temporary ERPO is in effect, a final ERPO hearing is held.

- The respondent and witnesses may also be present at this hearing.
- You will explain to the judge why you want the court to issue an ERPO. The respondent will have a chance to respond to the petition in court.
- The judge will decide, based on what he or she hears, whether to issue a final ERPO of up to one year.

FOR HOW LONG?

The length of an ERPO depends on a number of factors.

- The length of a temporary order depends on state law and ranges from a couple of days to a few weeks.**
- A final order, issued by a judge after the person named has received the temporary order, is in effect for up to one year.**
- A respondent may return to court to request the termination of the order, as specified by state law.**

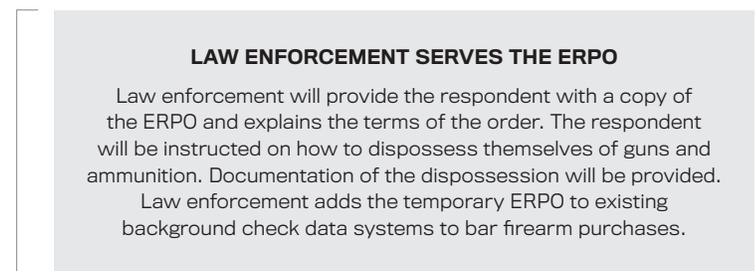
HOW ARE GUNS RETURNED?

After an order ends, a respondent may request the return of firearms. State laws vary.

- Law enforcement will run a background check to assure that the respondent is not prohibited from possessing firearms for any other reason and then return the firearm(s).**
- The background check data system will be updated to allow purchases.**

PROCESS FLOWCHART

Temporary ERPO Process



If ERPO is issued guns are prohibited

Final ERPO Process

